

AMENDMENTS TO THE DRAWINGS:

Please replace the originally-filed drawings with the accompanying replacement sheets which are attached as part of the Appendix.

REMARKS

The application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Objection with respect to Specification

Applicants have amended the specification as the Examiner suggested. Therefore, the objection with respect to the specification should be withdrawn.

Objection with respect to Figure 2

Applicants have amended Figure 2 as the Examiner suggested. Therefore, the objection with respect to Figure 2 should be withdrawn.

Claim Rejection based on 35 USC 101

Applicants have amended the expression of "A computer program product in a computer-readable medium..." in claim 20 into the expression of "A computer-readable medium recording thereon a computer program...". Therefore, the claim rejection based on 35 USC 101 should be withdrawn.

Claim Rejection based on 35 USC 103

Applicants have incorporated new "first judging device (process)" into claims 11, 19 and 20 on the basis of Figure 7 (step S303) and corresponding disclosure of the specification. Along with this amendment, applicants have rewritten the old "first/second judging device (process)" in claims 11, 19 and 20 into new "second/third judging device (process)".

KIHARA (JP 2001-014812A) and IWASAKI (US 5,748,590B) do not disclose the novel feature of claims 11-20 such as "a first judging device for judging whether or not the information is already recorded in the area of the detrack destination into which said recording device incorrectly records, in the case in which the occurrence of the detrack is detected by said detrack detecting device".

More specifically, since KIHARA merely discloses that error has occurred only in the digital signal which is already recorded, it is obvious that there is no disclosure or suggestion related to the first judging device for judging whether or not the information is already recorded in the area of the detrack destination. And thus, KIHARA does not disclose two types of sequential operations which are performed in the case where the information is already recorded and in the case where the information is not recorded, respectively.

Moreover, IWASAKI merely discloses the error correction which has no relationship with the detrack. Thus, it is obvious that there is no disclosure or suggestion related to the first judging device for judging whether or not the information is already recorded in the area of the detrack destination. And thus, IWASAKI does not disclose two types of sequential operations which are performed in the case where the information is already recorded and in the case where the information is not recorded, respectively.

On the other hand, according to the invention defined in claim 1, since it is judged that the detrack destination is already recorded and is not recorded yet, appropriate operations are performed on the basis of the judging result of the first judging device (and the second/third judging device) in any cases where the detrack destination is already recorded and is not recorded yet. Namely, it is possible to effectively use the optical disc which cannot be used, conventionally, after the incorrect recording is performed to the recorded/unrecorded area due to the occurrence of the detrack.

Therefore, the claim rejection based on 35 USC 103 should be withdrawn.

In view of the present amendment and the foregoing remarks, therefore, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any

additional fees required under 37 C.F.R. § 1.16 or under 37
C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- Replacement Sheets for Figures 1-13